

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
MARTINSBURG**

UNITED STATES OF AMERICA,

Plaintiff,

v.

**CRIMINAL ACTION NO: 3:14-cr-2(all)
(JUDGE GROH)**

**JAMES WILLARD JOHNSON,
EDDIE YOUNG, III, and NAVARRE
SOWELL,**

Defendants.

**ORDER GRANTING DEFENDANT SOWELL'S APPLICATION TO CONTINUE
DATES OUTLINED IN SCHEDULING ORDER**

This matter is now before the Court for consideration of Defendant Navarre Sowell's Application to Continue Dates Outlined in Scheduling Order [Doc. 59], filed on March 6, 2014. The same day that the Defendant filed this motion, Sherman L. Lambert, Sr., Esq. was substituted for appointed counsel, Matthew Yanni, Esq., to represent Defendant Sowell in this matter.

In this motion, Defendant Sowell requests that the Court continue the motions deadline; the pre-trial motions hearing; the voir dire questions, motions *in limine*, and proposed jury instructions deadline; pre-trial; and trial. Defendant Sowell's new counsel asserts that he needs more time to "properly represent Mr. Sowell's legal interest in this case." Id. ¶ 6. He avers that he needs more time to interview Defendant Sowell, obtain the case file from the Defendant's prior counsel, review the evidence, interview witnesses, and prepare for trial. Id. ¶ 5. Counsel for the United States, Defendant

Johnson's counsel, and Defendant Young's counsel have informed the Court that they do not oppose the motion.

After careful review of the grounds offered in support, the Court finds good cause to grant the motion to continue. In so doing, this Court has considered the factors outlined in 18 U.S.C. § 3161, and now finds that the ends of justice served by granting the continuance outweigh the best interest of the public and the Defendant in a speedy trial. Specifically, the Court finds this time shall be excluded from speedy trial computation because the failure to grant a continuance "would deny counsel for the defendant . . . the reasonable time necessary for effective preparation, taking into account the exercise of due diligence." See 18 U.S.C. § 3161(h)(7)(B)(iv). Additionally, Defendant Johnson and Defendant Young are joined for trial with Defendant Sowell, and no motion to sever has been granted. Therefore, the time shall be excluded because it is "[a] reasonable period of delay [and] the defendant is joined for trial with a codefendant as to whom the time for trial has not run and no motion for severance has been granted." See 18 U.S.C. § 3161(h)(6). Accordingly, the Court **GRANTS** Defendant Sowell's Application to Continue Dates Outlined in Scheduling Order.

The Court **ORDERS** that the **Pre-Trial Conference** in this matter will be held on **May 15, 2014 at 9:30 a.m. in the Martinsburg District Judge Courtroom** and that the **Trial** in this matter will commence on **May 20, 2014 at 9:00 a.m. in the Martinsburg District Judge Courtroom.**

It is so **ORDERED**.

The Clerk is directed to transmit copies of this Order to all counsel of record herein.

DATED: March 12, 2014.



GINA M. GROH
UNITED STATES DISTRICT JUDGE